UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,483	07/24/2003	Amit Bagga	502078-A-01-US (Bagga)	1291

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ART UNIT	PAPER NUMBER
2132	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/626,483	BAGGA ET AL.
	Examiner	Art Unit	
	Farid Homayounmehr	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 January 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: application, filed 7/24/2003;

amendment filed 1/31/2007.

2.   Claims 1-32 are pending in the case.

Response to Arguments

3.   Applicant's argument with respect to rejection under Section 112 is found

persuasive, and the rejection is withdrawn.

4.   Rejection under section 101 relative to claims 1-32 is withdrawn due to

amendments by the applicant.

5.   With respect to rejection of claim 1 under Section 102, applicant argues:

"Honarvar et al. do not disclose or suggest that a correlation between the user and the previously

answered questions do not violate one or more predefined correlation rules." However, parag.

21 of Honarvar teaches assigning points to group of questions based on the predictive

power of questions. The groups are created based on information about the user, which

clearly shows a correlation between the questions and the user. The point assignment

is used to measure the overall assessment of user authentication process. Therefore,

the authentication process assessment is based on the points, which is based on the correlation between the questions and the user. Therefore Honarvar clearly teaches assessment of authentication based on correlation rules between the user and the questions.

Applicant further argues: "In fact, the examples provided by Honarvar et al, would fail the qualitative correlation criteria of the present invention because it is easy to associate the user with his/her questions just from a database lookup or web search. Thus, Honarvar et al. clearly do not disclose or suggest ensuring that a correlation between the user and the previously answered questions does not violate one or more predefined correlation rules," as required by each independent claim." However, applicant does not specify which example of Honarvar fails the qualitative correlation criteria, or why such failure leads to the conclusion that Honarvar fails to disclose the claimed limitation.

Applicant further argues that their invention allows definition of correlation rules to ensue that a given answer is not correlated with the user. However, such limitation is not found in claims at hand, as the claims merely require that a correlation rule is not violated.

Based on the above discussion, applicant argument regarding allowability of claim 1 is non persuasive. Accordingly the argument relative to claim 22 and the dependent claims is also not persuasive.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by

Honarvar et al. (US Patent Application Publication No. 2003/0154406, filed 8/21/2002)

7.1.   As per claim 1, Honarvar is directed to a method for authenticating a user

(abstract), comprising: obtaining an asserted identity of said user (parag. [105]);

obtaining a random subset of questions that said user has previously answered (parag.

[15] and Fig. 17, item 1730 and associated text indicates how Honarvar teaches using a

random subset of questions for authentication validation), wherein a correlation between

said user and said previously answered questions does not violate one or more

predefined correlation rules (parag 21 teaches choosing questions based parameters

specific to the user, and therefore shows questions are selected based on how they

correlate to the user); and presenting one or more questions to said user from said

random subset of questions (Fig. 30 and associated text (parag. [217]))until a

predefined security threshold is satisfied (per parag. [21], points are assigned to each group of questions, which is used to determine the threshold), wherein said user is authenticated when said predefined security threshold is satisfied (parag. 17 or Fig. 7 and associated text).

7.2.   As per claim 2, Honarvar is directed to the method of claim 1, wherein said predefined security threshold is based on a sum of security weights of correctly answered questions (parag. [21]).

7.3.   As per claim 3, Honarvar is directed to the method of claim 1, wherein one or more of said questions are directed to an opinion of said user (for example parag 27, where the question for the user is to identify the best known food).

7.4.   As per claim 4, Honarvar is directed to the method of claim 1, wherein one or more of said questions are directed to a trivial fact (parag. 24, where the questions are trivial to the user).

7.5.   As per claim 5, Honarvar is directed to the method of claim 1, wherein one or more of said questions are directed to an indirect fact (parag 25, where the questions include options in the user's first car or private and public information).

7.6.   As per claim 6, Honarvar is directed to the method of claim 1, further comprising

the step of presenting said user with a larger pool of potential questions for selection of

one or more questions to answer (Fig. 12, items 1205 and 1210 and their associated

text).

7.7.   As per claim 7, Honarvar is directed to the method of claim 6, further comprising

the step of ensuring that said questions selected by said user meet predefined criteria

for topic distribution (parag 21. Also see Fig. 12 item 1225 and associated text, where

the group of questions are selected and weighted).

7.8.   As per claim 8, Honarvar is directed to the method of claim 6, wherein said larger

pool of potential questions are selected to be attack resistant (per parag 41, user

authentication involves detecting fraud, which makes it attack resistant).

7.9.   As per claim 9 and 10, Honarvar is directed to the method of claim 1, wherein

said one or more predefined correlation rules ensure that answers to user selected

questions cannot be qualitatively/quantitatively correlated with said user (parag. 20

teaches using context sensitive questions, which eliminates qualitative or quantitative

correlation with the user).

7.10. As per claim 11, Honarvar is directed to the method of claim 1, further comprising

the step of requiring said user to have a second factor (parag. 104, where the

authentication is based on a combination of three factors of what user know, what user

has, and what user is).

7.11. As per claim 12, Honarvar is directed to the method of claim 11, wherein said

second factor is a required possession of a given device (parag 105).

7.12. As per claim 13, Honarvar is directed to the method of claim 11, wherein said

second factor is a required personal identification number (parag 105).

7.13. As per claim 14, Honarvar is directed to the method of claim 11, wherein said

second factor is a computer file, wallet card, or piece of paper on which is written the

user's selected questions and corresponding question indices (paragraph 238 indicates

that the user is requested to check the answer to questions, such as the credit card

number, by verifying the document at user's position).

7.14. Claim 15 is identical to claim 14.

7.15. As per claim 16, Honarvar is directed to the method of claim 1, wherein said

questions from said random subset of questions are presented to said user in a random

order (Fig. 17, item 1730 allows random presentation of questions to the user).

7.16. As per claim 17, Honarvar is directed to the method of claim 1, wherein said

questions are presented to said user in the form of an index identifying each question

(Fig. 35, item 3520 indicates the attributes of the question and answers, including a

question ID).

7.17. As per claim 18, Honarvar is directed to the method of claim 1, wherein answers

to said questions are received from said user in the form of an index identifying each

answer (user answers are counted in the scoring process to determine authentication

as described in paragraphs 235-240. The system assigns the score based on user's

answer. Therefore, the system must use an indexing criteria to identify each answer in

order to determine the points assigned to each answer).

7.18. As per claim 19, Honarvar is directed to the method of claim 16, wherein said

index identifying each answer can be aggregated to form a password (see response to

claim 18, and note that the aggregation of user answers determines whether the

authentication scoring requirements are met or not. Therefore Honarvar teaches how an

aggregate of answer indices can be used to determine passing or failing).

7.19. As per claim 20, Honarvar is directed to the method of claim 16, wherein a

portion of each answer can be aggregated to form a password (see response to claim

19, and note that the index to an answer could be a portion of the answer).

7.20.   As per claim 21, Honarvar is directed to the method of claim 1, further comprising

the step of storing an indication of said subset of questions on a device (the set of

subset of questions is stored on the authentication engine, which is a device).

7.21.   Limitations of claims 22-32 are substantially the same as claims 1-21 above.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is (571) 272-3739. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

4/6/2007

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